

BOARD OF
SUPERVISORS
STATUS REPORT

JUNE 2019

Lindsay G. Watts
Chief Public Defender

2015	2016	2017	2018	2019 (half year)
2455	2561	2408	1957	780

TOTAL
INMATE
COUNT

2015	2016	2017	2018	2019 (half year)
26	29	29	29	17

AVERAGE
LENGTH OF
STAY

2015	2016	2017	2018	2019 (half year)
63,934	76,110	71,901	56,912	13,929

TOTAL
NUMBER
OF DAYS IN
JAIL

Comparison between 2016 and 2019

2016

■ Total number of days in jail = 76,110

2019

■ Total number of days in jail = 13,929 (for half of year)

■ Even if the number doubles to cover the remainder of the year, it is still 27,858. This is a difference of **48,252** days

Savings Realized

\$

According to jail administrators, it costs \$38.63 per day to house inmates at our jail.

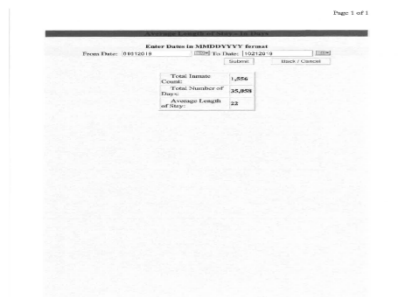
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48,252 days x \$38.63 per day = **\$1,863,974.76.**

👥

This is only a comparison between the peak year and the present year. This does not include savings realized in the years in between.

- In 2018, the total number of days in jail = 56,912
- This is a difference of 19,198 days from the peak year of 2016.
- $19,198 \text{ days} \times \$38.63 \text{ per day} =$
\$741,618.74



Number of Felony Criminal Cases
Opened in Circuit Court

Number of Felony Arrests

Caseloads

Bureau of Justice Statistics Census of Public Defender Offices, 2007

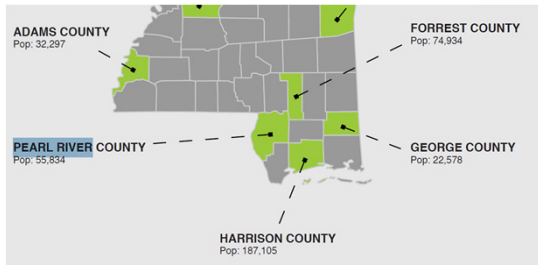
- State-based public defender programs reported receiving a median of 82 felony (non-capital) cases, 217 misdemeanor cases, and two appeals case per full-time equivalent litigating attorney. County-based public defender offices reported receiving an average of 100 felony (non-capital) cases and 146 misdemeanor cases per full-time equivalent litigating attorney. The CPDO collected data only on the number of cases received in 2007 and, therefore, was unable to estimate the actual caseload (including ongoing cases received prior to 2007) of litigating public defenders.

Sixth Amendment Center

The Right to Counsel in Mississippi: Evaluation of Adult Felony Trial Level Indigent Defense Services, March 2018

At the request of the Mississippi Public Defender Task Force, the Sixth Amendment Center, in partnership with the Defender Initiative at Seattle University School of Law, evaluated adult felony trial level indigent defense services throughout Mississippi. The Task Force selected ten counties as a representative sample of Mississippi's diversity in population size, geographic location, rural and suburban and urban centers, and types of indigent defense representation delivery systems used. Those counties were: Adams, Clarke, DeSoto, Forrest, George, Harrison, Hinds, Leflore, Lowndes, and Pearl River.

In those counties that have established a public defender office, the circuit or senior circuit judge selects an attorney to serve as the full-time or part-time public defender. Only seven of Mississippi's 82 counties have established public defender offices, including Forrest, Harrison, Hinds, and Pearl River which were studied closely for this evaluation.



Pearl River County

All felony initial appearances are conducted by either the Picayune Municipal Court or the Pearl River County Justice Court within forty-eight to seventy-two hours of arrest. Rarely is a defender present for an indigent defendant's initial hearing to argue on behalf of the defendant in connection with the conditions of pretrial release.¹⁷⁴

As a practical matter, the scheduling of a preliminary hearing is treated as a trigger mechanism to have some attorney present in court to represent an in-custody felony defendant for the limited purpose of securing a bond reduction. In some of the studied counties, the attorney appointed to represent an indigent felony defendant at a preliminary hearing is not, other than through coincidence, the attorney who will represent the defendant on any indictment subsequently returned by a grand jury. In only two of the ten counties will the attorney who represents an indigent felony defendant at a preliminary hearing conduct any investigation to prepare for the hearing. Indigent felony defendants usually meet their preliminary hearing attorney for the first time at, or at most a few days before, the hearing for a brief five to ten minute conversation. On average, preliminary hearings take place one to four weeks after the initial appearance, although in one county, Pearl River, defendants sometimes wait up to 90 days to have a preliminary hearing.

Pearl River County

Public defender office attorneys are not notified of appointments to represent indigent defendants until just before preliminary hearings, usually after a defendant has been in jail for a few weeks. The public defender office will represent defendants who have preliminary hearings. Very few defendants ever have preliminary hearings; most waive the hearings and receive a bond reduction.

Pearl River County

No investigation is conducted following preliminary hearings, because defenders already have overwhelming caseloads of indicted clients. Only in very serious cases will an attorney investigate anything prior to indictment. A defender reports that defense lawyers have "almost no work to do" between preliminary hearings and indictments, so they focus their efforts on cases where defendants have already been indicted. The senior circuit judge has directed the newer public defenders, who are full-time, that he expects they will continue to work on cases between the preliminary hearing and indictment.

Pearl River County

If a defendant had a preliminary hearing in justice court, the county court clerk will enter a notation on the paperwork prepared for the arraignment, indicating who represented the defendant at the preliminary hearing; absent a conflict of interest, the county judge will appoint the same defender. But one defender reports that "many" clients who she represents at preliminary hearings are assigned to a different attorney following arraignment. "It would be easier if we kept the same defendants we had at preliminary hearings." The defenders have an informal arrangement amongst themselves to re-assign cases where the lawyer was switched between preliminary hearing and arraignment.

Pearl River County

Public defenders have to motion the court for experts or investigators; these costs are not included in the compensation paid to attorneys. Defenders request investigators in no more than a handful of cases every year, and the court readily grants such requests. While the District Attorney has multiple investigators on staff, defenders must motion the court and show the relevance of the investigator in order to receive funds. "The playing field is not level at all; the prosecutors can pick and choose, but for serious cases, we don't have a goddamn chance."²¹⁸

The widespread failure across Mississippi to conduct independent defense investigations on behalf of indigent felony defendants undermines the ability of appointed counsel to provide effective representation. It calls into question the integrity of the criminal justice system itself.

Pearl River County

The "chief" defender receives funds from the county for a part-time assistant, who serves the office of public defender. This is the only support staff available to the public defender office attorneys. The assistant makes phone calls to clients and witnesses, and serves subpoenas. The office has a copy machine and printer. The county also provides free access to the county law library.

Pearl River County
All three public defender office attorneys are estimated to handle caseloads that that fall within the NAC Standards. However, the attorney estimates appear low, because the assignments they collectively report reflect only about 45% of indicted cases in Pearl River County. If defenders were assigned to 80% of indicted cases, each of their caseloads would exceed the NAC Standards; the former part-time defender would have exceeded the Standards by up to 50%.
